

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WILLIAM F. CROWELL)	WT Docket No. 08-20
)	
Application to Renew License for Amateur)	FCC File No. 0002928684
Radio Service Station W6WBJ)	
)	
To: Marlene H. Dortch, Secretary		
Attn: The Commission		

**ENFORCEMENT BUREAU’S OPPOSITION TO
LICENSEE’S PROFFER OF RELATED EVIDENCE**

1. On April 1, 2017, applicant William F. Crowell (Crowell) filed a “proffer of related evidence” in the above-captioned matter.¹ For the reasons discussed below, the Acting Chief, Enforcement Bureau (Bureau), through his attorneys, respectfully opposes the Proffer.

2. In the normal course of the Commission hearing process, the Presiding Judge establishes a pre-hearing calendar, scheduling, *inter alia*, the close of discovery, the exchange of the parties’ direct case exhibits, and an evidence admission session.² In this case, the Presiding Judge recently scheduled a pre-hearing conference precisely to address possible dates for the pre-hearing calendar.³ Nevertheless, despite the fact that discovery has not closed and a schedule has not been set for the exchange of exhibits or for an evidentiary session, Crowell is attempting to bypass that process by now inexplicably offering evidence into the record. The Proffer should be

¹ See Licensee’s Proffer of Related Evidence [Pursuant to full-candor requirement of Title 47 CFR, Chapter I, Subchapter A, Part 1, Subpart B, Sec. 1.17] (filed Apr. 1, 2017) (“Proffer”).

² See, e.g., *Order*, FCC 14M-27 (ALJ rel. Aug. 21, 2014); see also 47 C.F.R. § 1.248.

³ See *Order*, FCC 17M-16 (ALJ rel. Mar. 31, 2017) (modifying *Order*, FCC 17M-14 (ALJ rel. Mar. 30, 2017)).

denied as procedurally untimely and improper.

3. Moreover, other than a disjointed reference in the Proffer to Section 1.17 of the Commission's rules, which requires truthfulness and accuracy in communicating with the Commission,⁴ Crowell provides no foundation or basis for offering evidence into the record at this preliminary stage. For that reason, the Bureau further objects to, and opposes, the self-serving Proffer under Federal Rule of Evidence 401 on the grounds that it lacks a proper foundation and has not been authenticated.⁵ It also appears to be irrelevant to the designated issues.⁶ As such, the Bureau also objects to the Proffer under Federal Rule of Evidence 403 as confusing the issues.⁷

4. Lastly, in light of this untimely (and nonsensical) Proffer, the Bureau respectfully suggests that it would be appropriate for the Presiding Judge, pursuant to his authority to regulate the conduct of the proceeding and maintain decorum, to equitably require all parties to request from the Presiding Judge leave to file any pleading not specifically directed by the Presiding Judge or authorized by the Commission's rules.⁸

5. Accordingly, the Bureau opposes the Proffer.

⁴ See Proffer at 1.

⁵ See Fed. R. Evid. 401.

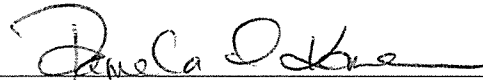
⁶ See *id.*

⁷ See Fed. R. Evid. 401, 403.

⁸ See 47 C.F.R. § 1.243.

Respectfully submitted,

Michael Carowitz
Acting Chief, Enforcement Bureau



Pamela S. Kane
Special Counsel
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-C366
Washington, D.C. 20554
(202) 418-7330

April 7, 2017

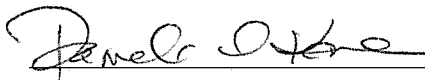
CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 7th day of April, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO LICENSEE'S PROFFER OF RELATED EVIDENCE" via email to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

Rachel Funk
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619
retroguybilly@gmail.com


Pamela S. Kane